

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Mario Gibson,

Plaintiff,

v.

Case No. 1:21-cv-00292

City of Cincinnati, et al.,

Judge Michael R. Barrett

Defendants.

**ORDER**

This matter is before the Court on the Magistrate Judge's April 28, 2022, Report and Recommendation ("R&R"). (Doc. 32).

Plaintiff received proper notice under 28 U.S.C. § 636(b)(1)(C), including notice that he would waive further appeal if he failed to file objections to the R&R in a timely manner. (Doc. 32) (April 28, 2022, R&R); Docket Entry dated 6/02/2022 (stating "Doc. 32 re-sent using the most recent address of the plaintiff this date."); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). The Court has not received objections to the R&R, and the time to file any objections has passed. *See* S.D. Ohio Civ. R. 7.2(a)(2). The Court received a letter from Plaintiff that is postmarked June 7, 2022. (Doc. 41). However, that letter does not include objections to the R&R and explains that Plaintiff "never went forward with (Sheriff Charmain McGuffey) because I got Deputy Michael Crawford's full name and I was able to move forward with my suit [by filing]" his Amended Complaint. (*Id.* PageID 217); *see* (Doc. 26) (Amended Complaint).

In light of the foregoing, it is hereby **ORDERED** that the R&R (Doc. 32) is **ADOPTED in full**. Consistent with the R&R, it is **ORDERED** that Defendant Sheriff Charmaine McGuffey's Motion to Dismiss (Doc. 20) is **GRANTED**, as Plaintiff filed an

Amended Complaint pursuant to the Court's December 17, 2021, Order. The Court **CERTIFIES**, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal of this Order would not be taken in good faith, and thus **DENIES** Plaintiff leave to appeal in forma pauperis. Plaintiff's excessive force claim against Defendant Crawford shall proceed as described in the Magistrate Judge's May 25, 2022, Calendar Order (Doc. 38) and June 14, 2022, Order (Doc. 42).

**IT IS SO ORDERED.**

/s Michael R. Barrett  
Michael R. Barrett, Judge  
United States District Court